

### **REMARKS**

Claims 2-42 and 45-63 are currently pending in the application, with claims 1, 17, 18, 26, 42, 45, and 53 being independent. Claim 1 has been canceled without prejudice or disclaimer to the subject matter included therein. Applicants respectfully request favorable consideration of this response in light of the amendments and comments contained herein, and earnestly seek timely allowance of the pending claims.

In the outstanding Official Action, the Examiner objected to claim 42 under 35 U.S.C. §101; rejected claims 1-60 under 35 U.S.C. §112, second paragraph; rejected claims 1-9, 12, 18-24, 26-34, 36 and 42 under 35 U.S.C. §102(b) as being anticipated by *Bates* (USP 5,515,491); and rejected claims 10-11, 13-17, 25, 35, 37-41 and 45-60 under 35 U.S.C. §103(a) as being unpatentable over *Bates* in view of *Sekendur* (USP 5,852,434). Applicant respectfully traverses these rejections.

Applicant wishes to thank the Examiner for indicating that claims 61-63 include allowable subject matter.

#### **Claim Rejections - 35 U.S.C. §101**

The Examiner rejected claim 42 under 35 U.S.C. §101 asserting is not directed to statutory subject matter. By this amendment, Applicant has amended claim 42 as suggested by the Examiner. This amendment is being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application. Based on this amendment, it is respectfully requested that the outstanding rejection be withdrawn.

#### **Claim Rejections - 35 U.S.C. §112, second paragraph**

The Examiner rejected claims 1-60 under 35 U.S.C. §112, second paragraph, asserting the term "practical useable surface" is indefinite. Applicant has amended the claims to remove this term from the claims. These amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

Based on these amendments, it is respectfully requested that the outstanding rejection be withdrawn.

### **Prior Art Rejections**

The Examiner indicated that claim 61 includes allowable subject matter by indicating that the prior art fails to teach “wherein the imaginary surface represents physical position in a unique and continuous manner, and wherein the physical positions are coded by a position coding pattern and wherein the position coding pattern is incapable of being present in its entirety on any single base.”

By this amendment, Applicant has amended all of the independent claims to include these elements. These amendments are being made without conceding the propriety of the Examiner’s rejections, but merely to timely advance prosecution of the present application.

As the claims as currently pending include the allowable subject matter as indicated by the Examiner, and as all of the other outstanding rejections should be withdrawn, Applicant respectfully submits that there are no outstanding issues remaining and requests this application pass to issue.

### **CONCLUSION**

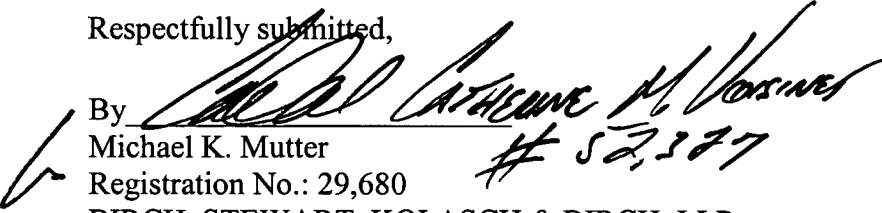
In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinnet (Reg. No. 52,327) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By    
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